THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.5038 OF 2006

Dated: 16-03-2006

BETWEEN

Sadiq Hussain Khalid,

S/o. Mohd. Iqbal Sagari,

R/o. H.No.16-7-336/1,

Azampura, Hyderabad

Rep by his GPA Mirza Sajjad Baig.

...PETITIONER

AND

Municipal Corporation of Hyderabad

Rep. by its Commissioner, having

Head Office at Tank Bund,

Basheerbagh, Hyderabad.

...RESPONDENT

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the respondent dated 09.03.2006 in threatening to demolish his property bearing Municipal No.16-8-933/1 admeasuring 488 sq. yards situated at New Malakpet (Kaladera), Hyderabad as illegal and arbitrary.

Learned counsel for the petitioner submits that the petitioner is the absolute owner and possessor of the property bearing Municipal No.16-8-933/1, admeasuring 488 sq. yards situated at New Malakpet (Kaladera), Hyderabad. He further submits that the petitioner purchased the property from Munnawar Jahan Bushra and others through sale deed Document No.4383/2003 dated 26.12.2003, 4105/2003 dated 04.12.2003 and 389/2004 dated 30.01.2004.

He further submits that the subordinates of the respondent came to his premises on 09.03.2006 and threatened to demolish his property.

Without furnishing any material particulars with regard to the construction of the building in accordance with the municipal sanction plan an allegation has been made that the respondent is threatening to demolish the premises and dispose the petitioner without following due procedure prescribed in law.

If the said building is constructed without any permission or contrary to the sanction plan it is open for the respondent to issue a notice and take appropriate action and if the said building is required for the purpose of road-widening the respondent is directed to follow the due procedure prescribed in law either under Section 146 or 147 of the Hyderabad Municipal Corporations Act, 1955 and take appropriate action in accordance with law.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

March 16, 2006

Note: Furnish C.C. of the order by 17.03.2006

(**B/o**)

DSK